IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.1352 OF 2006
IN
CRIMINAL APPEAL NO.1275 OF 2006

The State of Maharashtra. ..Applicant.
Vs.
Ganesh T. Devendra. ..Respondent.

Mrs.P.H. Kantharia,A.P.P. for the Applicant.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATED :12TH FEBRUARY, 2007

P.C.

1. Heard Mrs. Kantharia, the learned A.P.P. for the Applicant.

2. In filing Criminal Appeal No.1275 of 2006 for enhancement of sentence there is a delay and hence, this application for condonation of the same. As per the office record, the appeal is beyond time of about 14-days. We are satisfied that the delay deserves to be condoned.

3. Hence, application is allowed in terms of prayer clause (a).

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.4509 OF 2006

The State of Maharashtra. ..Applicant.
Vs.
Ganesh T. Devendra. ..Respondent.

Mrs.P.H. Kantharia,A.P.P. for the Applicant.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATED :12TH FEBRUARY, 2007

P.C.

1. Heard Mrs. Kantharia, the learned A.P.P. for the Applicant.

2. In Sessions Case No.259 of 2003, the learned Additional Sessions Judge, Greater Bombay was pleased to acquit the accused for the offence punishable under Section-302 of the Indian Penal Code and instead the accused has been convicted and sentenced for offence punishable under Section-304 of the Indian Penal Code. Hence, this application by the State for leave to appeal against the order of acquittal under Section-302 of the Indian Penal Code.

3. After having heard the learned A.P.P. and on perusal of the impugned order of conviction and sentence, we are satisfied that the application for leave to file appeal deserves to be granted. Hence,

leave is granted under Section 378(3) of the Code of Criminal Procedure.

4. Appeal is hereby admitted.

5. Paper book expedited.

5. Appeal be listed for final hearing in the week commencing from 23rd April,2007.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPEAL NO.1275 OF 2006

The State of Maharashtra. ..Appellant.
Vs.
Ganesh T. Devendra. ..Respondent.

Mrs.P.H. Kantharia,A.P.P. for the Appellant.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATED :12TH FEBRUARY, 2007

P.C.

1. This is an appeal filed by the State for enhancement of sentence for the conviction of the respondent for offence punishable under Section 304 of the Indian Penal Code. The respondent accused came to be acquitted for offence under Section 302 of the Indian Penal Code and the State's appeal against the said order of acquittal has been admitted by us today.

2. Hence, nothing further survives in this appeal and the same is dismissed.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**